IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

WEDNESDAY, THE 7TH NOVEMBER 2007 / 16TH KARTHIKA 1929

OP.No. 32262 of 1999(N)

PETITIONER:

E.N.CAPTAIN,
S/O.LATE NAMBI,
ELAVUNKAL HOUSE,
DESOM P.O., CHANGAMANADU VILLAGE,
ALUVA TALUK, ERNAKULAM DISTRICT.

BY ADV. SMT.K.P.SANTHI

RESPONDENTS:
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1. **STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY, SECRETARIAT, TRIVANDRUM.**

2. **THE DISTRICT COLLECTOR,**
   CIVIL STATION BUILDINGS, ERNAKULAM, KOCHI – 30.

3. **THE REVENUE DIVISIONAL OFFICER,**
   OFFICE OF THE REVENUE DIVISIONAL OFFICE,
   FORT COCHIN.

4. **THE TAHSILDAR, ALUVA.**

BY GOVERNMENT PLEADER SRI. MATHEW VADAKKEL

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 07/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

ORDER ON C.M.P.NO.54712/1999 IN O.P.NO.32262/1999 N

DISMISSED

7/11/2007 **SD/- V.GIRI, JUDGE**

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE RECEIPT DTD. 23/09/94 ACKNOWLEDGING THE AMOUNT OF 3,071/- ISSUED BY THE 4TH RESPONDENT.**

EXT.P2: **COPY OF THE RECEIPT DTD. 24/10/94 ISSUED BY THE 4TH RESPONDENT ACKNOWLEDGING AMOUNT OF RS.7,797/-.**

EXT.P3: **COPY OF THE REPRESENTATION DTD. 3/07/96 SUBMITTED TO THE 2ND RESPONDENT BY THE PETITIONER.**

EXT.P4: **COPY OF THE ORDER DTD. 5/07/98 OF THE 4TH RESPONDENT.**

EXT.P5: **COPY OF THE ORDER DTD. 30/05/95 OF THE 3RD RESPONDENT.**

EXT.P6: **COPY OF THE JUDGEMENT 25/05/99 IN W.A.NO.1569/96.**

EXT.P7: **COPY OF THE ORDER DTD. 30/07/99 OF THE 3RD RESPONDENT REVENUE DIVISIONAL OFFICER.**

/TRUE COPY/

P.S. TO JUDGE

KSS

V.GIRI, J.

O.P.No.32262 of 1999 N

Dated this the 7th day of November, 2007.

JUDGMENT

Petitioner is aggrieved by Ext.P7 order passed by the Revenue Divisional Officer, declining to confirm a revenue sale conducted on 23.9.1994. Petitioner bid a property having an extent of 13 cents by quoting an amount of Rs.10350/-. The amount due was also paid. However, after a lapse of almost two years, the petitioner sought for confirmation. The Revenue Divisional Officer set aside the sale on the ground that bid amount was below the market value. It was challenged before this court. Though the writ petition was dismissed, the Division Bench in W.A.No.1569/06 set aside the order passed by the Revenue Divisional Officer and directed him to pass a fresh order after hearing the petitioner. Ext.P7 is passed in pursuance thereto.

2. I heard learned counsel for the petitioner and learned Government Pleader.

3. On a perusal of Ext.P7, I am of the view that, adequate reasons have not been given by the Revenue Divisional Officer to decline confirmation of the sale/set aside the sale, as the case may be. The Revenue Divisional Officer should have ascertained whether there are sufficient grounds under Section 53 of the Act {See the decision of a Division Bench of this court in Subaida Sulaiman v. Hamza {1991(2) KLT 158}.

In the light of this decision, Ext.P7 is set aside and the 2nd respondent is directed to pass fresh orders, as already directed by this court in Ext.P6 judgment in W.A.No.1569/96 within a period of three months from the date of receipt of a copy of this judgment.

Sd/-
(V.GIRI)
JUDGE

sk/

//true copy//

V.GIRI, J.

O.P.No.32262 of 1999

JUDGMENT

7th November, 2007.